

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

STEPHEN ZARATE,

Plaintiff(s),

v.

IVANA ARAMARK, et al.,

Defendant(s).

Case No. 2:22-cv-01449-APG-NJK

ORDER

[Docket Nos. 23, 24, 25]

Pending before the Court are three motions filed by Plaintiff: (1) a motion to substitute Joe Lombardo for Warden Doe, Docket No. 23; (2) a motion to issue summons and serve Joe Lombardo, Docket No. 25, and (3) a motion to serve Defendant Aramark at a new address, Docket No. 24. As stated below, all three motions are **GRANTED**.

I. MOTION TO SUBSTITUTE

On January 14, 2023, United States District Judge Andrew P. Gordon issued a screening order finding Plaintiff's amended complaint stated a colorable claim against the Warden Doe of Clark County Detention Center. *See* Docket No. 10 at 8. Plaintiff now explains that the defendant is former Sheriff Joe Lombardo. Docket No. 23. For good cause shown, the motion to substitute is **GRANTED** and the unidentified warden in Plaintiff's second amended complaint is hereinafter construed as referring to Joe Lombardo. The Clerk's Office is **INSTRUCTED** to update the docket such that Joe Lombardo replaces "Warden John Doe."

II. MOTION FOR SERVICE ON JOE LOMBARDO

Plaintiff seeks issuance of a summons and service by the United States Marshal Service on Joe Lombardo in light of the above. Docket No. 25. That motion is also **GRANTED**. The Clerk's Office is **INSTRUCTED** to issue summons for Joe Lombardo. The Clerk's Office is also **INSTRUCTED** to send Plaintiff four copies of the Form USM-285. Plaintiff must provide the Marshal Service with the required Form USM-285 by March 6, 2024. Within 20 days after

1 receiving from the Marshal Service a copy of the Form USM-285, showing whether service has
2 been accomplished, Plaintiff must file a notice identifying whether Defendant Lombardo was
3 served. If Plaintiff wishes to have service again attempted on an unserved defendant, a motion
4 must be filed with the Court identifying the unserved defendant and specifying a more detailed
5 name and/or address for said defendant, or whether some other manner of service should be
6 attempted.

7 **III. MOTION FOR ANOTHER SERVICE ATTEMPT ON IVANA ARAMARK**

8 Plaintiff seeks an order that the Marshal re-attempt service on Defendant Ivana Aramark.
9 Docket No. 24. Service was previously unsuccessful because the defendant no longer works at
10 the address provided previously. *See* Docket No. 19 at 6 (summons returned unexecuted). Plaintiff
11 now provides an alternative address on Las Vegas Boulevard. *See* Docket No. 24. For good cause
12 shown, the motion is **GRANTED**. Plaintiff must provide the Marshal Service with the required
13 Form USM-285 by March 6, 2024. Within 20 days after receiving from the Marshal Service a
14 copy of the Form USM-285, showing whether service has been accomplished, Plaintiff must file
15 a notice identifying whether Defendant Aramark was served. If Plaintiff wishes to have service
16 again attempted on an unserved defendant, a motion must be filed with the Court identifying the
17 unserved defendant and specifying a more detailed name and/or address for said defendant, or
18 whether some other manner of service should be attempted.

19 **IV. CONCLUSION**

20 For the reasons discussed above, the Court **GRANTS** Plaintiff's (1) motion to substitute
21 Joe Lombardo for Warden Doe, Docket No. 23; (2) motion to issue summons and serve Joe
22 Lombardo, Docket No. 25, and (3) motion to serve Defendant Aramark at a new address, Docket
23 No. 24. The Rule 4(m) deadline to effectuate service is hereby **RESET** for May 1, 2024.

24 IT IS SO ORDERED.

25 Dated: February 7, 2024

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Nancy J. Koppe
United States Magistrate Judge